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**Ashley and Sean Willey v. Sweetwater County School District #1, et. al.**

**United States District Court for the District of Wyoming**

**Civil Case No. 23-cv-069-SWS**

**Summary of Judge Skavdahl’s Order on the School District’s Motion to Dismiss**

The United States District Court for the District of Wyoming ruled on December 18, 2023 that all but one of the causes of action Ashley and Sean Willey brought against the Sweetwater County School District #1 and certain employees can proceed. Chief Judge Scott Skavdahl granted in part and denied in part the Defendants’ Motion to Dismiss the Willeys’ First Amended Complaint. The Complaint alleged four causes of action on behalf of the Willeys and one of their children, A.S., for violation of the Willeys’ fundamental parental rights, violation of A.S.’s right to free exercise of religion, and violation of Mrs. Willey’s rights to free exercise of religion and free speech in her role as a teacher in Sweetwater County School District.

The Willeys’ claims arise from the school district’s implementation of a guideline that permitted students to adopt a different gender identity, including different names and pronouns, at school without their parents being notified. This is disturbing fact pattern families are facing in schools across the country. The guideline also required teachers like Mrs. Willey to use alternative names and pronouns for students at their request and to not reveal the alternative identity to the students’ parents.

Judge Skavdahl granted the Motion to Dismiss as to the Willeys’ claims for an injunction and declaratory judgment related to implementation of the district guideline as to A.S., as she is no longer in the school district, reasoning that since A.S. cannot be subject to the guideline any longer there is no basis for enjoining the district’s implementation of it (which the Willeys did not contest). However, more importantly, Judge Skadvahl ruled that Mr. and Mrs. Willey can proceed with their claims for damages for constitutional violations of their *fundamental parental rights* and *free exercise of religion claims* resulting from the prior implementation of the policy as to A.S., and for implementation of the guideline against Mrs. Willey as a teacher.

Judge Skavdahl granted the Motion to Dismiss as to Mrs. Willey’s free speech claim based on Supreme Court precedent that provides that teachers’ rights to free speech are more limited when they are speaking as part of their duties as a school employee. But it was the fundamental parental rights and free religious exercise claims that are the heart of the case, and those key claims are now allowed to proceed.

Judge Skavdahl’s decision is a significant precedent for the protection of parents’ and teachers’ constitutional rights. It represents the only instance of which we are currently aware in which parents’ claims that school district policies that withhold information from parents related to their children’s assertion of an alternative gender identity violate their constitutional rights have survived a motion to dismiss in federal court. Nearly universally, school districts will file a motion to dismiss such claims, seeking to have the case “thrown out of court” at the start and avoid liability for their conduct. In cases such as this involving controversial and newly developing claims, it is often quite difficult to meet the threshold to survive a motion to dismiss. As a result, the motions are often granted. In order to continue to pursue their claims, plaintiffs must file an appeal to the Circuit Court of Appeals and ask that the order dismissing the claims be reversed, which requires significant expenditure of time and resources for an uncertain outcome.

Less frequently, the trial court will review the Plaintiffs’ complaint and will find that Plaintiffs have met the prerequisites for a valid federal claim, and the Plaintiffs will be permitted to proceed with their lawsuit. That is what occurred here. Judge Skavdahl determined that Mr. and Mrs. Willey met the prerequisites for valid claims of violation of their fundamental parental rights and violation of their and their daughter’s rights to free exercise of religion. This decision in favor of Plaintiffs on the parental rights and free exercise of religion claims sets a precedent for other parents and teachers and helps pave the way for others bringing similar legal claims.

See the Amended Complaint [here](https://childparentrights.org/wp-content/uploads/2024/02/Willey-Amended-Complaint.pdf) See Order [here](https://childparentrights.org/wp-content/uploads/2024/02/Willey-Order-on-MTD-121823.pdf)